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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MICHAEL W. ELLSWORTH,

11 Petitioner,

12 v.

13 JEFFREY UTTECHT,

14 Respondent.
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Case No. C08-5397 FDB/KLS

ORDER GRANTING MOTION TO
AMEND PETITION AND FOR
SERVICE AND RETURN, § 2254
PETITION

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17 Petitioner's motion to amend (Dkt. # 12) his Petition for Writ of Habeas Corpus to reflect
18 the name of his immediate custodian, the Superintendent of the Washington State Penitentiary,
19 Jeffrey Uttecht, is **GRANTED**. It is further **ORDERED**:

20 (1) The Clerk shall arrange for service by certified mail upon Respondents, a copy of the
21 Petition (Dkt. # 8), of all documents in support thereof, and of this Order. All costs of service shall
22 be advanced by the United States. The Clerk shall assemble the necessary documents to effect
23 service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The Clerk
24 will also send a courtesy copy of the petition to the Washington State Attorney General's Office
25 Criminal Justice Division.

26 (2) Within forty-five (45) days after such service, Respondents shall file and serve an
27 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District

28 ORDER FOR SERVICE AND RETURN, 2254 PETITION - 1

1 Courts. As part of such answer, Respondents should state whether Petitioner has exhausted
2 available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue
3 of abuse of delay under Rule 9. Respondents shall not file a dispositive motion in place of an
4 answer without first showing cause as to why an answer is inadequate. Respondents shall file the
5 answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

6 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
7 receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the
8 answer is filed, Petitioner may file and serve a response not later than on the Monday immediately
9 preceding the Friday appointed for consideration of the matter, and Respondents may file and serve
10 a reply brief not later than the Friday designated for consideration of the matter.

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12 DATED this 19th day of August, 2008.

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17 Karen L. Strombom
18 United States Magistrate Judge
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